

gration of law enforcement, active military, and National Guard activities.

"(9) The provision of linguist and intelligence analysis services.

"(c) **LIMITATION ON COUNTER-DRUG REQUIREMENTS.**—The Secretary of Defense may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements.

"(d) **CONTRACT AUTHORITY.**—In carrying out subsection (a), the Secretary of Defense may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department of Defense.

"(e) **LIMITED WAIVER OF PROHIBITION.**—Notwithstanding section 376 of title 10, United States Code, the Secretary of Defense may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

"(f) **CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.**—In providing support pursuant to subsection (a), the Secretary of Defense may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1564) [10 U.S.C. 124 note]) for the purpose of aiding civilian law enforcement agencies.

"(g) **RELATIONSHIP TO OTHER LAWS.**—(1) The authority provided in this section for the support of counter-drug activities by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the requirements of chapter 18 of title 10, United States Code.

"(2) Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of title 10, United States Code."

COMMUNICATIONS NETWORK

Section 1103 of Pub. L. 100-456, which related to integration of United States assets dedicated to interdiction of illegal drugs into an effective communications network, was repealed by Pub. L. 101-189, div. A, title XII, § 1204(b), Nov. 29, 1989, 103 Stat. 1564. See section 1204(a) of Pub. L. 101-189 set out as a note under section 124 of this title.

ENHANCED DRUG INTERDICTION AND ENFORCEMENT ROLE FOR NATIONAL GUARD

Section 1105 of Pub. L. 100-456, which related to funding and training of National Guard for purpose of drug interdiction and enforcement operations and for operation and maintenance of equipment and facilities for such purpose, was repealed by Pub. L. 101-189, div. A, title XII, § 1207(b), Nov. 29, 1989, 103 Stat. 1566. See section 112 of Title 32, National Guard.

§ 375. Restriction on direct participation by military personnel

The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.

(As amended Pub. L. 101-189, div. A, title XII, § 1211, Nov. 29, 1989, 103 Stat. 1567.)

AMENDMENTS

1989—Pub. L. 101-189 substituted "any activity" for "the provision of any support", struck out "to any civilian law enforcement official" after "any personnel", and substituted "a search, seizure, arrest," for "a search and seizure, an arrest,".

CHAPTER 20—HUMANITARIAN AND OTHER ASSISTANCE

Subchapter	Sec.
I. Humanitarian Assistance	401
II. Civil-Military Cooperation	410

AMENDMENTS

1992—Pub. L. 102-484, div. A, title X, § 1081(b)(2), Oct. 23, 1992, 106 Stat. 2516, added subchapter analysis.

1987—Pub. L. 100-180, div. A, title III, § 332(b)(6), Dec. 4, 1987, 101 Stat. 1080, substituted "HUMANITARIAN AND OTHER ASSISTANCE" for "HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED IN CONJUNCTION WITH MILITARY OPERATIONS" in chapter heading.

SUBCHAPTER I—HUMANITARIAN ASSISTANCE

Sec.	
401.	Humanitarian and civic assistance provided in conjunction with military operations.
402.	Transportation of humanitarian relief supplies to foreign countries.
403.	International peacekeeping activities.

AMENDMENTS

1992—Pub. L. 102-484, div. A, title X, § 1081(b)(2), title XIII, § 1342(c)(2), Oct. 23, 1992, 106 Stat. 2516, 2558, added subchapter heading and item 403.

§ 401. Humanitarian and civic assistance provided in conjunction with military operations

HUMANITARIAN ASSISTANCE; EMERGENCY TRANSPORTATION OF INDIVIDUALS

Pub. L. 102-396, title II, Oct. 6, 1992, 106 Stat. 1884, provided: "That where required and notwithstanding any other provision of law, funds made available under this heading [Humanitarian Assistance] for fiscal year 1993 or thereafter, shall be available for emergency transportation of United States or foreign nationals or the emergency transportation of humanitarian relief personnel in conjunction with humanitarian relief operations."

APPROPRIATION OF FUNDS FOR HUMANITARIAN AND CIVIC ASSISTANCE; ANNUAL REPORT TO CONGRESS ON OBLIGATIONS; USE OF CIVIC ACTION TEAMS IN TRUST TERRITORIES OF PACIFIC ISLANDS AND FREELY ASSO- CIATED STATES OF MICRONESIA

Pub. L. 102-396, title IX, § 9021, Oct. 6, 1992, 106 Stat. 1904, provided that: "Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in

the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239 [48 U.S.C. 1681 note]: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a non-reimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102-172, title VIII, § 8021, Nov. 26, 1991, 105 Stat. 1175.

Pub. L. 101-511, title VIII, § 8021, Nov. 5, 1990, 104 Stat. 1879.

Pub. L. 101-165, title IX, § 9031, Nov. 21, 1989, 103 Stat. 1135.

§ 402. Transportation of humanitarian relief supplies to foreign countries

[See main edition for text of (a) to (c)]

(d) Not later than July 31 each year, the Secretary of State shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report identifying the origin, contents, destination, and disposition of all supplies transported under this section during the 12-month period ending on the preceding June 30.

(As amended Pub. L. 101-510, div. A, title XII, § 1311(2), Nov. 5, 1990, 104 Stat. 1669.)

AMENDMENTS

1990—Subsec. (d). Pub. L. 101-510 substituted "Not later than July 31 each year" for "At the end of each six-month period" and "the 12-month period ending on the preceding June 30" for "such six-month period".

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b)(2) delegated to Secretary of State by section 1-201(a)(24) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 5463.

§ 403. International peacekeeping activities

(a) **AUTHORITY.**—To the extent provided in defense authorization Acts and appropriations Acts, the Secretary of Defense may furnish assistance in support of international peacekeeping activities of the United Nations or any regional organization of which the United States is a member.

(b) **FORMS OF ASSISTANCE.**—Assistance provided under subsection (a) may include funds, supplies, services, and equipment. Any funds so provided shall be derived from amounts available to the Department of Defense for the fiscal year for which the assistance is provided.

(c) **LIMITATIONS RELATED TO AVAILABILITY OF STATE DEPARTMENT FUNDS.**—Funds may be provided as assistance pursuant to subsection (a) for a fiscal year—

(1) only if funds available to the Department of State for that fiscal year for contributions for international peacekeeping activities are insufficient or otherwise unavailable to meet the United States' fair share of costs for international peacekeeping activities, as determined by the President; and

(2) only to the extent that such funds are required to meet unexpected and urgent requirements; and

(3) only to the extent that the United States' fair share of such costs exceeds the amount that the President requests Congress to appropriate for the Department of State for such fiscal year for international peacekeeping activities.

(d) **CONSULTATION.**—The Secretary of Defense shall consult with the Secretary of State before furnishing any assistance pursuant to subsection (a).

(e) **DETERMINATIONS REQUIRED.**—No assistance may be furnished pursuant to subsection (a) unless the Secretary of Defense certifies to Congress that the provision of such assistance will not adversely affect the military preparedness of the United States.

(f) **ADVANCE NOTICE TO CONGRESS.**—Not less than 30 days before obligating any funds for purposes of subsection (a), the Secretary of Defense shall transmit to Congress a report on the proposed obligation. The report shall—

(1) specify the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation;

(2) specify the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds; and

(3) include the certification required by subsection (e).

(g) **DEFINITION.**—In this section, the term "defense authorization Act" means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including the activities described in paragraph (7) of section 114(a) of this title.

(h) **TERMINATION.**—The authority of the Secretary of Defense to furnish assistance under subsection (a) shall expire on September 30, 1993.

(Added Pub. L. 102-484, div. A, title XIII, § 1342(c)(1), Oct. 23, 1992, 106 Stat. 2557.)

PRIOR PROVISIONS

A prior section 403 was renumbered section 401(c) of this title.

SUPPORT FOR PEACEKEEPING ACTIVITIES

Section 1342(a) of Pub. L. 102-484 provided that: "The Congress makes the following findings:

"(1) International peacekeeping activities contribute to the national interests of the United States in maintaining global stability and order.

"(2) International peacekeeping activities take many forms and include observer missions, ceasefire monitoring, human rights monitoring, refugee and humanitarian assistance, monitoring and conducting elections, monitoring of police in the demobilization of former combatants, and reforming judicial and

other civil and administrative systems of government.

"(3) International peacekeeping activities traditionally involve the presence of military troops, police forces, and, in recent years, civilian experts in transportation, logistics, medicine, electoral systems, human rights, land tenure, other economic and social issues, and other areas of expertise.

"(4) International peacekeeping activities serve both the foreign policy interests and defense policy interests of the United States.

"(5) The normal budget process of authorizing and appropriating funds a year in advance and reprogramming such funds is insufficient to satisfy the need for funds for peacekeeping efforts arising from an unanticipated crisis.

"(6) Greater flexibility is needed to ensure the timely availability of funding to provide for peacekeeping activities."

SUBCHAPTER II—CIVIL-MILITARY COOPERATION

Sec. 410. Civil-Military Cooperative Action Program.

AMENDMENTS

1992—Pub. L. 102-484, div. A, title X, § 1081(b)(1), Oct. 23, 1992, 106 Stat. 2515, added subchapter heading and analysis consisting of item 410.

§ 410. Civil-Military Cooperative Action Program

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a program to be known as the "Civil-Military Cooperative Action Program". Under the program, the Secretary may, in accordance with other applicable law, use the skills, capabilities, and resources of the armed forces to assist civilian efforts to meet the domestic needs of the United States.

(b) **PROGRAM OBJECTIVES.**—The program shall have the following objectives:

(1) To enhance individual and unit training and morale in the armed forces through meaningful community involvement of the armed forces.

(2) To encourage cooperation between civilian and military sectors of society in addressing domestic needs.

(3) To advance equal opportunity.

(4) To enrich the civilian economy of the United States through education, training, and transfer of technological advances.

(5) To improve the environment and economic and social conditions.

(6) To provide opportunities for disadvantaged citizens of the United States.

(c) **ADVISORY COUNCILS.**—(1) The Secretary of Defense shall encourage the establishment of advisory councils on civil-military cooperation at the regional, State, and local levels, as appropriate, in order to obtain recommendations for projects and activities under the program and guidance for the program from persons who are knowledgeable about regional, State, and local conditions and needs.

(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

(d) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations governing the provision of assistance under the program. The regulations shall include the following:

(1) Rules governing the types of assistance that may be provided.

(2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from, civilian efforts.

(3) Procedures for appropriate coordination with civilian officials to ensure that the assistance—

(A) meets a valid need; and

(B) does not duplicate other available public services.

(4) Procedures for the provision of assistance in a manner that does not compete with the private sector.

(5) Procedures to minimize the extent to which Department of Defense resources are applied exclusively to the program.

(6) Standards to ensure that assistance is provided under this section in a manner that is consistent with the military mission of the units of the armed forces involved in providing the assistance.

(e) **CONSTRUCTION OF PROVISION.**—Nothing in this section shall be construed as authorizing—

(1) the use of the armed forces for civilian law enforcement purposes; or

(2) the use of Department of Defense personnel or resources for any program, project, or activity that is prohibited by law.

(Added Pub. L. 102-484, div. A, title X, § 1081(b)(1), Oct. 23, 1992, 106 Stat. 2515.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c)(3), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PILOT OUTREACH PROGRAM TO REDUCE DEMAND FOR ILLEGAL DRUGS

Section 1045 of Pub. L. 102-484 provided that:

"(a) **PILOT PROGRAM.**—The Secretary of Defense shall conduct a pilot outreach program to reduce the demand for illegal drugs. The program shall include outreach activities by the active and reserve components of the Armed Forces and shall focus primarily on youths in general and inner-city youths in particular.

"(b) **PAYMENT OF TRAVEL AND LIVING EXPENSES.**—The Secretary of Defense may provide travel and living allowances to members of the Armed Forces who participate in the pilot outreach program to permit such members to carry out demand reduction activities in areas beyond the vicinity of military installations and National Guard facilities.

"(c) **FUNDING.**—Funds available to the Department of Defense for drug interdiction and counter-drug activities may be used for carrying out the pilot outreach program described in subsection (a).

"(d) **DURATION OF PROGRAM.**—The pilot outreach program described in subsection (a) shall be conducted for a test period ending three years after the date of the enactment of this Act (Oct. 23, 1992).

"(e) **REPORT.**—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report that as-

sesses the effectiveness of the pilot outreach program and includes the recommendations of the Secretary regarding the continuation of the program."

CONORESSIONAL FINDINGS

Section 1081(a) of Pub. L. 102-484 provided that: "Congress makes the following findings:

"(1) Many of the skills, capabilities, and resources that the Armed Forces have developed to meet military requirements can assist in meeting the civilian domestic needs of the United States.

"(2) Members of the Armed Forces have the training, education, and experience to serve as role models for United States youth.

"(3) As a result of the reductions in the Armed Forces resulting from the ending of the Cold War, the Armed Forces will have fewer overseas deployments and lower operating tempos, and there will be a much greater opportunity than in the past for the Armed Forces to assist civilian efforts to address critical domestic problems.

"(4) The United States has significant domestic needs in areas such as health care, nutrition, education, housing, and infrastructure that cannot be met by current and anticipated governmental and private sector programs.

"(5) There are significant opportunities for the resources of the Armed Forces, which are maintained for national security purposes, to be applied in cooperative efforts with civilian officials to address these vital domestic needs.

"(6) Civil-military cooperative efforts can be undertaken in a manner that is consistent with the military mission and does not compete with the private sector."

CHAPTER 21—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

Subchapter	Sec.
I. General Matters.....	421
II. Intelligence Commercial Activities.....	431

AMENDMENTS

1991—Pub. L. 102-88, title V, § 504(a)(1), Aug. 14, 1991, 105 Stat. 437, added items for subchapters I and II.

SUBCHAPTER I—GENERAL MATTERS

Sec.	
421.	Funds for foreign cryptologic support.

AMENDMENTS

1991—Pub. L. 102-88, title V, § 504(a)(1), Aug. 14, 1991, 105 Stat. 437, added subchapter heading.

1989—Pub. L. 101-189, div. A, title XVI, § 1622(c)(2), Nov. 29, 1989, 103 Stat. 1604, substituted "Funds for foreign cryptologic support" for "Funds for Foreign Cryptologic Support" in item 421.

§ 421. Funds for foreign cryptologic support

[See main edition for text of (a) and (b)]

(c) Any funds expended under the authority of subsection (a) shall be reported to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives pursuant to the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.). Funds expended under the authority of subsection (b) shall be reported pursuant to procedures jointly agreed upon by such committees and the Secretary of Defense.

(As amended Pub. L. 101-189, div. A, title XVI, § 1622(c)(3), Nov. 29, 1989, 103 Stat. 1604.)

AMENDMENTS

1989—Subsec. (c). Pub. L. 101-189 substituted "House of Representatives pursuant to the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.). Funds" for "House pursuant to the provisions of title V of the National Security Act of 1947, as amended, and funds".

§ 424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency

EXEMPTION FOR NATIONAL RECONNAISSANCE OFFICE FROM ANY REQUIREMENT FOR DISCLOSURE OF PERSONNEL INFORMATION

Pub. L. 102-496, title IV, § 406, Oct. 24, 1992, 106 Stat. 3186, provided that:

"(a) EXEMPTION FROM DISCLOSURE.—Except as required by the President or as provided in subsection (b), nothing in this Act or any other provision of law shall be construed to require the disclosure of the name, title, or salary of any person employed by, or assigned or detailed to, the National Reconnaissance Office or the disclosure of the number of such persons.

"(b) PROVISION OF INFORMATION TO CONGRESS.—Subsection (a) does not apply with respect to the provision of information to Congress."

SUBCHAPTER II—INTELLIGENCE COMMERCIAL ACTIVITIES

Sec.	
431.	Authority to engage in commercial activities as security for intelligence collection activities.
432.	Use, disposition, and auditing of funds.
433.	Relationship with other Federal laws.
434.	Reservation of defenses and immunities.
435.	Limitations.
436.	Regulations.
437.	Congressional oversight.

AMENDMENTS

1992—Pub. L. 102-484, div. A, title X, § 1052(1), Oct. 23, 1992, 106 Stat. 2499, inserted "Sec." above item "431".

1991—Pub. L. 102-88, title V, § 504(a)(2), Aug. 14, 1991, 105 Stat. 437, added subchapter heading and analysis of sections.

§ 431. Authority to engage in commercial activities as security for intelligence collection activities

(a) AUTHORITY.—The Secretary of Defense, subject to the provisions of this subchapter, may authorize the conduct of those commercial activities necessary to provide security for authorized intelligence collection activities abroad undertaken by the Department of Defense. No commercial activity may be initiated pursuant to this subchapter after December 31, 1995.

(b) INTERAGENCY COORDINATION AND SUPPORT.—Any such activity shall—

(1) be coordinated with, and (where appropriate) be supported by, the Director of Central Intelligence; and

(2) to the extent the activity takes place within the United States, be coordinated with, and (where appropriate) be supported by, the Director of the Federal Bureau of Investigation.

(c) DEFINITIONS.—In this subchapter:

(1) The term "commercial activities" means activities that are conducted in a manner con-